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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,) NO. CR05-162-RSL
8)
9 Plaintiff,)
10 vs.) ORDER ON STIPULATED MOTION
11 OSCAR ROSAS-BELTRAN,) TO EXTEND TIME
12 Defendant.) TO FILE INDICTMENT
_____)
—)

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14 THE COURT having considered the entirety of the records and files herein
15 including the parties' Stipulated Motion to Extend Time to File Indictment, finds and
16 rules as follows:

- 17 1. This case involves a defendant currently charged by complaint with
18 eluding examination at entry, in violation of 8 U.S.C. § 1325(a)(2).
19 2. The government, however, is considering charging Mr. Rosas-Beltran with
20 illegal reentry following deportation, in violation of 8 U.S.C. § 1325,
21 which carries much more severe punishment.
22 3. To properly evaluate the viability of a possible 8 U.S.C. § 1325 charge,
23 counsel for both parties must first review Mr. Rosas-Beltran's entire
24 immigration file due to the unique factual and legal circumstances of Mr.
25 Rosas-Beltran's prior deportations.
26 4. The Court FINDS that the parties have exercised due diligence in

investigating and preparing this case, but that the existence of novel questions of fact or law make it unreasonable to expect adequate preparation within the time limits established by the Speedy Trial Act, found at 18 U.S.C. § 3161, et. seq.

5. It is hereby ORDERED that the Stipulated Motion to Extend Time to File Indictment is granted;

6. It is hereby further ORDERED that the time for the government to file an indictment is continued to June 20, 2005;

7. It is hereby further ORDERED that the period of delay from May 20, 2005 to June 20, 2005 is excludable time, pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv), for the purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq.

8. The Court FINDS that the period of time between May 20, 2005 and June 20, 2005 shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv), because it is unreasonable to expect adequate preparation within the time limits established by the Speedy Trial Act.

9. The Court further FINDS that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy indictment.

IT IS SO ORDERED.

Dated this 16th day of May, 2005.



Robert S. Lasnik
United States District Judge